

13 MISC 00344

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE NONJUDICIAL CIVIL FORFEITURE
PROCEEDING REGARDING APPROXIMATELY
\$111,602 IN UNITED STATES CURRENCY
AND ONE BREITLING "BENTLEY BARNATO
RACING" CHRONOGRAPH WATCH, SEIZED
ON OR ABOUT MAY 23, 2013, FROM
MICHAEL DENINO AT A RESIDENCE
LOCATED AT 846 ROSSVILLE AVENUE,
STATEN ISLAND, NEW YORK.

STIPULATION AND ORDER13 Misc. S
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WHEREAS, on or about May 22, 2013, agents of the Drug Enforcement Administration ("DEA") and United States Postal Inspection Service executed a federal search warrant authorizing the search of 846 Rossville Avenue, Staten Island, New York (the "Rossville Property") and seized approximately \$111,602 in United States currency (the "Seized Currency") and one Breitling "Bentley Barnato Racing" Chronograph watch (the "Seized Watch") from Michael Denino at the Rossville Property;

WHEREAS, the DEA subsequently initiated administrative forfeiture proceedings against the Seized Currency and the Seized Watch by timely sending written notice of its intent to forfeit the Seized Currency and the Seized Watch to all known interested parties;

WHEREAS, on or about July 10, 2013, the DEA received a petition from Michael Denino (the "Claimant") asserting an

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interest in the Seized Currency and another petition asserting an interest in the Seized Watch;

WHEREAS, the DEA subsequently referred the matter to the United States Attorney's Office for judicial forfeiture;

WHEREAS, Title 18, United States Code, Section 983(a)(3)(A) provides that, "[n]ot later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties";

WHEREAS, pursuant to Title 18, United States Code, Section 983(a)(3), the United States is required to file a complaint to forfeit the Seized Currency and the Seized Watch no later than October 8, 2013; and

WHEREAS, the Government and Noah E. Shelanski, Esq., counsel for the Claimant, are discussing a possible disposition of this case and desire an extension to review documents submitted by Claimant in support of his petitions, until November 8, 2013, of the deadline for the Government to file a complaint against the Seized Currency and the Seized Watch in order to continue those discussions;

NOW, THEREFORE, IT IS HEREBY ORDERED, upon agreement of the parties and pursuant to Title 18, United States Code, Section 983(a)(3)(A), that the time in which the Government is required to file a complaint for forfeiture of the Seized Currency and the Seized Watch is extended from October 8, 2013, up to and including November 8, 2013.

AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By:

Paul Monteleoni
PAUL M. MONTELEONI
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel.: (212) 637-2219

10/04/13
DATE

MICHAEL DENINO
CLAIMANT

By:

M. Denino
NOAH E. SHELANSKI, ESQ.
Attorney for Claimant
Hafetz Necheles & Rocco
500 Fifth Avenue
New York, New York 10110
Tel.: (212) 997-7595

10/04/13
DATE

SO ORDERED:

Robert P. Patterson, Jr.
HONORABLE ROBERT P. PATTERSON
UNITED STATES DISTRICT JUDGE
PART I

October 8, 2013
DATE